



MEETING MINUTES

BOARD OF SUPERVISORS, COUNTY OF MONO

STATE OF CALIFORNIA

Regular Meetings: The First, Second,
and Third Tuesday of each month

REGULAR MEETING

County Courthouse
Bridgeport, California 93517

April 1, 2008

9:05 a.m. Meeting Called to Order by Chairperson Vikki Bauer

Pledge of Allegiance led by Linda Salcido

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke

BOARD MEMBER REPORTS

No Board member reports were given due to time constraints. Reports will be given at the meeting of April 18, 2008

COUNTY ADMINISTRATIVE OFFICE

- 1) CAO Report regarding Board Assignments (**David Wilbrecht**)
ACTION: Receive brief oral report by County Administrative Officer (CAO) regarding his activities.
No report was given by County Administrative Officer. Report will be given at the meeting of April 18, 2008

APPROVAL OF MINUTES

- 2a) Regular meeting of March 11, 2008.
M08-066 Farnetti/Reid 5-0

- 2b) Regular meeting of March 18, 2008
M08-067 Hunt/Hazard 4-0 Abstain: Bauer

CLOSED SESSION

Closed Session: 9:10 a.m.

Break: 9:55 a.m.

Reconvened: 10:15 a.m.

- 3) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Property: APN: 01-100-55. Agency negotiators: Dave Wilbrecht, Marshall Rudolph, Brian Muir, and Evan Nikirk. Negotiating parties: Mono County and Antelope Ridge LLC. Under negotiation: price and terms of payment.
- 4) CONFERENCE WITH LABOR NEGOTIATORS. Government Code section 54957.6. Agency designated representatives: David Wilbrecht, Marshall Rudolph, Robert Garret, Lynda Salcido, and Brian Muir. Unrepresented Employees: Environmental Health Manager.
- 5) CONFERENCE WITH LABOR NEGOTIATORS. Government Code section 54957.6. Agency designated representatives: David Wilbrecht, Marshall Rudolph, Robert Garret, Evan Nikirk, and Brian Muir. Unrepresented Employees: Public Works Operations Superintendent.
- 6) CONFERENCE WITH LABOR NEGOTIATORS. Government Code section 54957.6. Agency designated representatives: David Wilbrecht, Marshall Rudolph, Robert Garret, Evan Nikirk, Kelly Garcia and Brian Muir. Unrepresented Employees: Project Manager.

DEPARTMENT REPORTS/EMERGING ISSUES

Evan Nikirk: Director of Public Works: bid packages for Benton and Chalfant landfill closures are out and pre-bid conference is scheduled-we have 30 bidders on schedule at this time-

Brian Muir: Finance Director: Town/County liaison asked for review of proposal for county, courts and townr regarding combined space in Sierra Center Mall. Courts are pursuing land exchange and building court facility and town is content with their situation at this time which leaves the county as the only party. Whole concept of purchasing land exchange parcel would be for everyone to participate (one stop shopping) if we bought space it would be for our own purposes – we would convert it for our use – consensus at liaison meeting was it did not merit further analysis.

Group going to Rockland on 22 April to hear presentation for presentation of Mega Bite Tax Management System. Supervisor Farnetti will also attend. Anyone else is welcome. This will not only be a demonstration of the system, but a chance to learn about process that assessor goes through

REGULAR AGENDA CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are available for review and are located in the Office of the Clerk of the Board

	Received	Dated	From	Subject
7a)	3/25/08	3/18/08	Brian Schuldt, Chamber Music Unbound, to County of Mono Board of Supervisors	Thank you for grant of \$10,000
7b)	3/24/08	3/20/08	Mindy Pohlman, June Lake Public Utility District, to Mono County Board of Supervisors	Private well permits issued within existing water districts

**7a Supervisor Reid is appreciative of Clerks office informing citizens that we have received their correspondence.
*Board is informed that letters acknowledging receipt of correspondence have been sent***

7b Pulled in order to accommodate interested persons in audience.

Mindy Pohlman (June Lake Resident): County issued permit to drill well in June Lake and there is an existing water system there. Wants county to update ordinance so that they may not drill private wells. June Lake is served by PUD. Applicant is connected to PUD system and they are stating that the private well would be used strictly for irrigation. County Counsel states an ordinance is being drafted to prohibit private applicants to dig own well if they have access to an established public water system.

Supervisor Reid: does not want to see a "flat" prohibitive ordinance and instead have ordinance that would allow private drilling in certain circumstances.

County Counsel: There are many ways to amend this ordinance. The permit that is already issued would not be affected.

Tom Wallace: Permit was issued on January 18, 2008.

Sherrie Browberger (June Lake Resident): Feels private wells are not fair....that applicants are going through loop-hole and everyone else has to connect to system.

SHERIFF-CORONER

8)

Renewal of Boating Contract (Sheriff Scholl)

Shortfall in funding. Asking General Fund to supplement funds with approximately \$67,312. Board asks Sheriff to take a look at excess monies that are in his budget and see if there is enough to fund this and come back to Board with report on this.

Supervisor Hazard states that the State has cut these funds particularly to small counties. Comments by Supervisors Hunt and Farnetti regarding using General fund monies.

ACTION: (1) Authorize the Sheriff's Department to participate in and renew the contract with the California Department of Boating and Waterways for fiscal year 2008-2009. (2) Board of Supervisors to sign the contract with the California Department of Boating and Waterways for fiscal year 2008-2009. (3) Authorize Sheriff Richard C. Scholl to sign all reimbursement forms for said contract.

Board is adamant that no General Fund money be used at this time.

Hazard/Reid 5-0

Sheriff will research further and find out where shortfall occurred and bring report back to the board. This matter is time sensitive.

M08-068

9) **ECONOMIC DEVELOPMENT & SPECIAL PROJECTS**
Economic Development Coordinator Position (**Robert Garret, Dan Lyster, and Sarah McCahill**)
M08-069

Supervisor Reid supports this item. Supervisor Farnetti is concerned about filling the position at this time. The revised description is supported but filling the position at this time is not; Fiscal impact a concern. Staff states that they need to fill this position to further improve outreach efforts in promoting county tourism. The new position would be used to research and manage leads and outreach; Supervisor Reid feels that we would lose so much momentum and time if we don't approve this position; Sherrie Bromberger, member of Mono County Tourism Commission encourages Board to approve the new position – Tony Dublino, of the "Sheet" asks why this discussion since funds are already allocated? (This is an existing position wherein former employee passed away) Supervisor Farnetti knows a lot of requests will be coming in to fund positions, etc. and wants to determine needs are accurate; Supervisor Hazard suggests that perhaps Board could approve the \$9,132 for this fiscal year and wait until budget time to approve filling this position; Mr. Little member of Mono County Tourism Commission implores Board to approve position; so much more research and outreach is needed and lack thereof is affecting the tourism in Mono County. Economic Development staff address Board regarding what their plans are for filling this position; wants to authorize the \$9,132 for contract work to assist the department with projects and then collect more information and nearer to budget process consider filling position; Supervisor Reid asks why not approve position with provision that if there is not enough money for next fiscal year that position would be cut. Need to fill this position.

Supervisor Hazard moves to fill this position using the \$9,132 remaining funds from 2007-2008 fiscal year for contracting out duties; Supervisor Farnetti seconds motion. Supervisor Hunt feels that filling the position now is something we should do to improve the tourism in Mono County and that new employee could also work on grant procurements for this department and perhaps others as well; money is already in budget. Supervisor Farnetti states that he has heard a lot of good and valid points and that he is not so inflexible that he cannot listen to other Board members – he removes his second. This motion dies for lack of second.

ACTION: (1) Approve the revised job description for the Economic Development Coordinator position. (2) Authorize recruitment based on the new job description. With the provision that if funding is not available the position may have to be cut. Fiscal impact: FY 2007-2008, \$9,132; FY 2008-2009, if position is not cut would be \$74,515.

Reid/Hunt 5-0

10) **COUNTY ADMINISTRATIVE OFFICE – HUMAN RESOURCES**
Add an "At-Will" District Attorney Investigator Position as of April 1, 2008, by Amending the County of Mono List of Allocated Positions (**George Booth and Robert Garret**)
R08-019

This did come up during mid-year budget review. Garret states that in 1980 there were 7 positions in DA office and today there are 7 positions in the DA office. Mr. Booth addresses Board as to reasons for this position. Booth passes out list of duties of DA investigator. Booth will answer any questions about duties; county needs a person that can do a good background on someone in a timely manner – a second investigator is needed to accomplish duties needed in office; reviewing over 1,000 cases per year DA needs investigator to follow up and decide whether a person should be charged or not – this would serve the taxpayer better with a second person; Sheriff School addresses Board as to why a second investigator is badly needed. Some state funds (\$25,000) could support Welfare Fraud Investigations and Ed Zelman, Director of Social Services is present to address the Board.

Supervisor Hazard having worked closely with DA can see demand on staff and increase in offenses – significant increase in workload of DA;

Supervisor Farnetti: Acknowledged that DA has asked for this position for past three years;

Sheriff Scholl: increased workload – seizures has increased so much and have been profitable for county; can't imagine how just one investigator has done this job

Ed Zellman: DA also investigates welfare fraud – has talked to DA about more time to be spent on this; state can and will allocate \$25,000 for this specific purpose. If more time can be allocated to Welfare Fraud Investigations, it would be very advantageous and it is necessary. Supports position

Supervisor Hunt: Would it take 3 months to fill this position? Booth feels that by the time all is said and done it would probably be July 1 or later. This would bring this issue up to budget time. Hunt if fully supportive.

Supervisor Reid: County will have the opportunity for more thorough internal administrative investigations in house.

Supervisor Farnetti: Although very supportive of this position feels that new positions should be addressed during the budget process. Get better view of needs. In future would like to see all new position requests addressed during annual budget.

County Administrator Dave Wilbrecht states that perhaps the Board needs more information and more details on what would be accomplished by filling this position.

Board members feel that they have enough information.

ACTION: Adopt Resolution R08-019 authorizing the Deputy County Administrative Officer—Human Resources to add a District Attorney Investigator Position by amending the County of Mono List of Allocated Positions to add an “At-Will” District Attorney Investigator position in the District Attorney’s Office as of April 1, 2008. Fiscal impact: FY 2007-2008, \$14,248; FY 2008-2009, \$116,207.

Hazard/Hunt 5-0

11) BOARD OF SUPERVISORS

No action

Verbal Update and Status Report by the Assistant Assessor (**Robert Musil**)

ACTION: (1) Receive a verbal report from the Assistant Assessor regarding the status of the Assessor’s Office. (2) Provide any desired direction to staff.

As of March 26, 2008 the outstanding hold appraisals stands at 389 appraisals excluding Mammoth Mountain. Office is continuing to attempt bringing everything current; identified some work back to 2001 re Forest Service parcels; backlog has been reduced greatly There is a vacant position in office that when filled will help a great deal; will not come before Board at this time but will ask to fill position during budget time; Prop. 8 properties are being distributed among appraisers to keep current with this; Board asks for report on Prop 8 declines in value. Assessment Appeals are being handled; has asked clerk that no more appeals are scheduled until after roll is handed off – June 2008 Annual Roll is required to be delivered to Dept. of Finance no later than June 30; office will begin processing roll on June 16, 2008

North and south end of county gossip is that because office did not do work in timely manner the office has lost a great deal of money – this is totally not true. Office can go back to 2005 and do any corrections necessary (including change of ownership of Mammoth Mountain) no one in the office at this time made any decisions that caused loss of revenue.- some revenues were lost by not by action of present office staff.. New software is being investigated and assessor’s staff will attend workshop on this software

Supervisor Reid: when Assessor is done with backlog will we know how much money we lost? Mr. Musil states yes and he will report to Board on amount of loss.

Present Assessor, Jim Lovett, has not been in contact with his office.

Adjourn for lunch: 12:40

LUNCH RECESS

Reconvene: 1:15 p.m.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Citizen Jack Winkler, states that he is candidate for Supervisor District #2; would like to receive agenda at the Mammoth Lakes library and an agenda packet. Asks CAO for a candidate package for future candidates and a tour of facilities. Consider senior citizen law and a low cost dog licensing fee – consider having a bus available to provide transportation for everyone who wants to come to a Supervisors meeting in North County bring them to meeting; Concerned about \$59.00 tax that some people should be exempt from if they are residents;

Mr. Muir addresses the \$59.00 tax – it is up to the district after it goes on the roll. First he has heard of this problem. School District is responsible. School district can contact Muir.

DEPARTMENT OF FINANCE AND DEPARTMENT OF PUBLIC WORKS

- 12) Whitmore Pool and Recreation Area (**Kelly Garcia and Brian Muir**)
Supervisor Farnetti wants to assess the usage of the area and would like to know how money is being spent; Kelly Garcia has been in discussions with Town re usage;
M08-070 Board appropriation was \$75,000 to reimburse Town for County's share of cost to operate this Recreation Area; Actual cost was \$91,892 an overage of \$16,892 -town will shift their billing from calendar year to fiscal year basis; Payment accrued as a charge to current fiscal year.
ACTION: Appropriate additional \$62,892 for the parks and facilities budget to fund operations at the Whitmore Pool and Recreation Area.
Hunt/Farnetti 5-0

PUBLIC WORKS

- 13) Bid Protest—Sierra Center Mall Tenant Improvements Project (**Kelly Garcia**)
Kelly Garcia: protest to bid by Desert Ranger Construction, Inc.
M08-071 County Counsel Marshall Rudolph: Even though mistake in not listing sub-contractors is not a fatal error – if don't list sub-contractors then it is assumed that contractor would do all the work. Rasp did not list contractors. Board could find error is fatal or could waive error, could hold hearing to fine contractor for failing to list sub-contractors; Board could reject all bids; Board could accept Desert Ranger Construction, Inc even though \$70,000 more (second lowest bidder) County Counsel states that there is a threat of lawsuit from Desert Ranger if Board does not reject bid from RASP.
Board members discuss possibilities regarding decision as to RASP Construction. Asks Public Works what checking is done on bids after they are opened in Boardroom –
Supervisor Reid feels that they did not purposefully violate the bidding rules
Supervisor Farnetti does not want to get sued and be tied up for months and feels that this entire project should be rebid.
Kelly Garcia explains what a new bid entails – new wage rates would be in place on July 1, 2008; Garcia asks County Counsel what happens if RASP would proceed and then suit occurred? They could be stopped.
Supervisor Hazard: need to reject all bids and start over

ACTION: Board finds that RASP Construction bid is non-responsive and rejects it based on Subletting and Subcontracting Fair Practices Act and as a result of this finding rejects all bids and directs that bids be re-solicited and re-advertised .

Hazard/Farnetti 5-0

14)

PUBLIC HEALTH

Local Enforcement of Solid Waste Regulations (Tom Wallace and Evan Nikirk)

M08-072

Need to address backlog of compliance issues on record with California Integrated Waste Management Board regarding the County's operation of various solid waste facilities. County has agreement with CIWMB to serve as Local Enforcement Agency for solid waste regulations. County is on notice that we must increase our enforcement activity in regard to these outstanding compliance issues. No current health risks; They concern requirements for documentation of permits and plans for completion of closure work within certain timeframes. Public Works has prepared a set of stipulated agreements to bring all County operated solid waste facilities into compliance with state regulations. Recommends that Board authorize Public Works director to sign agreements; all six stipulated agreements carry grave consequences if the specified conditions are not met. A letter has been drafted to DWP re the importance of issue because facilities are on leased land from DWP and their cooperation in signing documents in a timely manner is necessary. A suggestion is to send a letter to manager of DWP

Cease and desist orders – stipulated agreements – once signed – can result in grave consequences if conditions are not met within a certain time. A stipulated order waive the right to appeal to Waste Management Board; Public Works director feels the time frames are within reason and he can complete needed tasks within that time.

Required planning work is in process and good progress is being made

Director Nikirk feels dates are reasonable.

Wallace discusses possible LEA expert that he may hire to fill a vacant position.

Supervisor Reid: would penalties come out of Solid Waste funds? Yes. Wonders if DWP would consider selling property at later date – DWP felt in the past that they wanted to retain ownership – 1999 – don't know position now.

Wallace will enter into direct dialog with DWP with help of County Counsel and CAO

Environmental Affairs Office in Los Angeles is now in charge of this

ACTION: (1) Authorize Evan Nikirk, Public Works Director, to enter into and sign stipulated agreements on compliance issues regarding Bridgeport Landfill, Chalfant Landfill, and Benton (2) Authorize a letter on behalf of Mono County signed by the Chairperson urging the timely cooperation of the Los Angeles Department of Water and Power in completion of notification and application documents for the Pumice Transfer Station, Paradise Transfer Station and Pumice Valley Landfill.

Farnetti/Hazard 5-0

PUBLIC WORKS

15a)

Annual Inflation Adjustment to Waste Collection Franchise Agreements (Evan Nikirk)

M08-073

Evan Nikirk addresses the Board re rate increase for waste collectors. If franchise fees go up then revenue to county goes up.

Supervisor Hazard comments about the fees and that if collectors are raising fees that citizens be informed that they are raising fees not county. Do not want county misrepresented and asks that collectors correspondence, billing, etc. is reviewed by Public Works Department. Matt Carter of Public Works Department is monitoring all communications that franchisees are sending out.

ACTION: Authorize the Public Works Director (in consultation with County Counsel) to execute amendments to the primary waste collection franchise agreements with D&S Waste Removal and Mammoth Disposal to adjust the Service Fee Floors specified in Exhibit 13.01a for inflation.

Hunt/Farnetti 5-0

PUBLIC WORKS

15b)
M08-074

Clark Tract Road and Drainage Improvements (Evan Nikirk)

Director of Public Works, Evan Nikirk addresses Board re results from survey conducted to determine interest in an assessment district to fund road and drainage improvements in the Clark Tract in June Lake – survey resulted in a 60% return from residents. Survey performed by SCI Consulting. Proposed annual rate of \$656.90 per parcel – property type was discussed; 67% voted to support proposal. Road Improvement priorities were surveyed; comments made were that roads were in bad condition and need to be maintained also it would be paid for by all rather than just a few; comments opposed to measure were that taxes are already too high and county should use taxes already collected – assessment is too high and property owners do not benefit equally from this measure.

Some people commented on drainage – also on snow removal and road maintenance. Need to know if Public Works should move ahead with next step...such as moving forward with assessment, bonding timeline, establish timeline for balloting and develop and implement a strong Community Outreach strategy. If bond is successful then all costs to implement this could be rolled into cost of bond...if it fails then the county would have to pay costs.

Comments by County Counsel. All of this is very expensive – if it fails then the county would have to come up with a great deal of money. Brian Muir, Finance Director discusses fees involved – price of underwriter would be negotiated – need financial advisor that is interested in doing what is right for the county; need to go out and get quotes – Muir, Rudolph and Nikirk will work together. Would rather not involve an underwriter until further along in this process. There would be the expense of a Bond Counsel approximately \$60,000

County Counsel: This vote would involve property owners only.

Nikirk explains anticipated charges to pursue this.

Supervisor Reid asks how much money has been spent up to this time.

Paul McCann: Resident in Clark Tract. During this process working with County Counsel and Public Works director has been positive and everyone has done a great job. He speaks in support of this and realizes there is exposure on the part of the County. This process is being pursued because the roads are dangerous and need for a solution to remedy this as fairly as possible; feels that evidence has been gathered and shows that there are many road problems (paving and maintaining roads in Clark Tract area) Thanks Board for allowing this matter to proceed and a lot of people will benefit from this for a long time.

Supervisor Bauer: Difficult to explain how we got into this situation with property owners regarding county owned roads vs. streets that are not county roads. Supports this and feels that residents support it also.

Supervisor Hunt: If ballot measure should fail could the already gathered information be used again – could we reuse info collected so far? Yes.

Supervisor Reid: How many lots in subdivision? 190 lots and 102 are single family residences; of those 35% are full time residents. Residents get one vote for each piece of property. Disappointed that more of the residents did not appear at this meeting. Mr. McCann feels that people did not realize that today a decision would be made. Explains that second homeowners are very involved also and support this. Reid questions are we willing to do the very same thing in other areas of the county? This is extremely precedent-setting. To Reid it is not just this one issue but future issues could and probably will come up.

McCann: residents are already spending almost the amount of tax on snow removal/storage so it seems that they would be in support of this.

Nikirk: The cost to taxpayers of approx \$660 should cover all expenses for maintenance/upkeep of roads.

More outreach seems to be resulting in more support.

County Counsel reminds Board that they are not being asked today to authorize all costs only to direct Finance Manager to consult with financial advisor Jean Buckley to identify a possible bond counsel, underwriter and such other parties as may be necessary to effectuate financing associated with district and all included expenses.

Nikirk: given current staffing levels it is assumed that county would contract with someone to do service as department does not have enough staff. Supervisor Hazard would also like to hear from other residents by their presence in Board Room; this would reassure Board that residents are behind this; would also like to be certain that best materials and workmanship be used if this happens so that roads will last the predicted 25 years or longer.

Supervisor Farnetti and Hunt are willing to go to next step. Hunt comments on success of assessment district in his area of Mammoth Lakes.

Public Works has included a 15% contingency into cost report. Drainage has been included into each road.

ACTION: Authorize the Finance Director, in consultation with financial advisor Jean Buckley and SCI Consulting, to identify a possible bond counsel, underwriter, and such other parties as may be necessary to effectuate financing associated with the assessment district and for engineering, property-owner balloting and other services related to the proposed formation of such an assessment district. Bring findings back to Board of Supervisors for discussion.

(chairwoman Bauer passes gavel to Vice Chairman Supervisor Reid and makes the motion in this matter)

Bauer/Hunt 5-0

COUNTY ADMINISTRATIVE OFFICE—HUMAN RESOURCES AND CLERK-RECORDER

- 16)** Reclassify an Existing County Position and Amend the County of Mono List of Allocated Positions to add a Senior Deputy Board Clerk/Election Assistant Position
R08-20 **(Lynda Roberts and Robert Garret)**

This job would be devoted to elections and on-going Board support.

Lynda Roberts addresses the Board that this is a key position and it is necessary to broaden the scope of the position to have someone who knows the different duties and facets of elections, board support including the assessment appeals hearings. This would **not** be an at-will position. This is an existing employee.

ACTION: Adopt **Resolution R08-20** authorizing the Deputy County Administrative Officer—Human Resources to reclassify an existing County position and amend the County of Mono List of Allocated Positions to add a Senior Deputy Board Clerk/Election Assistant position and delete a Fiscal and Technical Assistant I, II, III position in the County Clerk/Recorder/Registrar/Clerk of the Board Department as of April 1, 2008. Fiscal impact: FY 2007-2008, \$2,226; FY 2008-2009, \$9,082.

Reid/Farnetti 5-0

Adjourn to Closed Session: 4:05 p.m.

Reconvene in regular session: 4:30 p.m.

County Administrative Report and Board Reports are deferred to the next meeting.

4:35 p.m. ADJOURN

Mono County Board of Supervisors will meet in regular session on **April 8, 2008**, at the hour of 9:00 a.m. in the Board Chambers, County Courthouse, Bridgeport, California.

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